

WHAT TO INCLUDE IN WAIVER REQUESTS

December 27, 2016

ADE stands for Arkansas Department of Education.
Standards for Accreditation refers to the set of rules titled ADE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.

- 1 Be certain to include the statute or rule number with the title of the section or a brief description.
See the Common Waiver Topics with Applicable Laws, Rules and Standards.
- 2 Request only the statute and rules necessary to meet the needs of the charter, school, or district.
For example, if what is needed is a waiver of licensure requirements for classroom teachers, waivers of the laws and standards highlighted in yellow should not be requested because they pertain to other positions.
- 3 The rationale should include the specific reason(s) that the waiver is needed and explain how having the waiver will benefit students.
Asking for a waiver to allow flexibility **IS NOT** specific.
Asking for a waiver in case it is needed at a later time **IS NOT** specific.

If applying for waivers, as allowed by Act 1240, you **MUST** have a student who resides in your district **AND** attends an open-enrollment charter **AND** request only waivers granted to the open-enrollment charter. A list of approved waivers for each open-enrollment charter can be accessed at <http://www.arkansased.gov/divisions/learning-services/charter-schools/open-enrollment-charter-school-waivers>. If you need any assistance, please call the ADE Charter Office at 501-683-5313.

Common Waiver Topics with Applicable Laws, Standards, and Rules			
Educator Licensure	Ark. Code Ann. § 6-15-1004	Qualified teachers in every public school classroom	
	Ark. Code Ann. § 6-17-302	Principals—Responsibilities	
	Ark. Code Ann. § 6-17-309	Certification to teach grade or subject matter—Exceptions—Waivers	
	Ark. Code Ann. § 6-17-401	Teacher licensure requirement	
	Ark. Code Ann. § 6-17-902	Definition (definition of a teacher as licensed)	
	Ark. Code Ann. § 6-17-919	Warrants void without valid certification and contract	
	Ark. Code Ann. § 6-17-706(b)	Requiring a school nurse to be licensed	
	Ark. Code Ann. § 6-18-1004(a)(2)	Requiring counselors to be certified	
	Ark. Code Ann. § 6-25-104	Requiring a library media specialist to be certified	
	Standards for Accreditation	15.02	Principals
	Standards for Accreditation	15.03	Licensure and Renewal
	Standards for Accreditation	16.01.3	Requiring counselors to be certified
	Standards for Accreditation	16.02.3	Requiring a library media specialist to be certified
	Standards for Accreditation	16.03.1	Requiring a school nurse to be licensed
	ADE Rules Governing Educator Licensure		
	NOTE 1 Charters, districts, and schools of innovation with teacher licensure waivers must comply with Arkansas Department of Education Rules Governing the Arkansas Qualified Teacher Requirements. See these rules at http://www.arkansased.gov/divisions/legal/rules/current .		
Flexible Schedule	Ark. Code Ann. § 6-10-106	Uniform dates for beginning and end of school year	
	Ark. Code Ann. § 6-16-102	School day hours	
	Ark. Code Ann. § 6-18-210	Definition of planned instructional time	
	Ark. Code Ann. § 6-18-211	Students in grades nine through twelve—Mandatory Attendance	
	Standards for Accreditation	10.02.4	Planned Instructional Time
	Standards for Accreditation	14.03	Requirement of 120 clock hours for unit of credit
	ADE Rules Governing Mandatory Attendance Requirements for Students in Grades Nine through Twelve		
	CAUTION: To be accepted for high school credit by the NCAA, a course may have a time requirement.		
Class Size and Teaching Load	Standards for Accreditation	10.02	Class size and teaching load
	Note 1 The maximum class size and/or teacher load should be included in the rationale with an explanation of how this change will benefit students.		
	Note 2 A class size/teacher load waiver does not waive the requirement outlined in Ark. Code. Ann § 6-17-812 to compensate teachers who agree to teach more than the maximum number of students.		
	Note 3 Since the State Board of Education lacks the authority to waive federal law, class sizes for special education are NOT WAIVED .		
Guidance Counseling Services	Ark. Code Ann. § 6-18-1001 et seq.	Public School Services Act	
	Standards for Accreditation	16.01	Guidance and counseling
	ADE Rules Governing Student Services	3.01.1	Guidance and counseling services
Media Services	Ark. Code Ann. § 6-25-103	Library media services program	
	Standards for Accreditation	16.02	Media services
Health Services	Ark. Code Ann. § 6-18-706	School nurse	
	Standards for Accreditation	16.03	Health and safety services
	ADE Rules Governing Student Services	3.01.6	Health services